

REMARKS

Claims 1, 26, 53 and 55-80 are pending. The Examiner has required restriction to one of the following:

- I. Claims 1 and 26, drawn to a method of inhibiting dynamin-dependent endocytosis in cells by treating cells with a compound of Formula I.
- II. Claim 53, drawn to a method of identifying a dimeric tyrphostin.
- III. Claims 55-80, drawn to a compound of Formula III.

Upon election of either of Groups I or III above, the Examiner has additionally required election of a specific embodiment of the M-SP-M' compound for purposes of examination.

Applicants elect the claims of Group I, comprising of claims 1 and 26, with traverse. Claims 1 and 26 read on the elected species. Applicants further elect the species of "Bis-T23," shown as compound 23 of Table I at page 39 of the specification as filed, for purposes of examination.

Applicants submit that a sufficient search and examination with respect to the subject matter of the claims of Groups I and III can be made without serious burden. Searching the additional inventions of Group III must constitute an undue burden on the Examiner for restriction to be permissible. MPEP § 803. The MPEP directs the Examiner to search and examine an entire application "[i]f the search and examination of an entire application can be made without serious burden, ... even though it includes claims to distinct or independent inventions." *Id.*

Applicants respectfully submit that it would not place an unnecessary burden on the Examiner to search and examine Group I and Group III together, as a search for the methods of Group I would necessarily encompass the compositions of Group III, in particular because the claims of both groups are directed to M-Sp-M' compounds as defined in the instant specification. This is especially true given the powerful search engines and data bases at the Examiner's disposal.

Moreover, Applicants should be entitled to prosecute a composition of matter and at least one method of using the composition of matter in a single patent application.

Applicants further note in regard to the instant species election that, as the Examiner has also acknowledged, 37 CFR 1.141 provides that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

CONCLUSION

The Examiner is informed that Applicants intend to submit a preliminary amendment in the near future, in which additional claims drawn to the presently elected methods of Group I will be entered.

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Respectfully submitted,

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